

MEDICAL BOARD UPDATE

LASHARN HUGHES, MBA-EXECUTIVE DIRECTOR
VOLUME 1 ISSUE 4



JIM MCNATT, MD- MEDICAL DIRECTOR
APRIL 2006

MESSAGE FROM THE BOARD PRESIDENT

The Georgia Medical Board oversees and regulates approximately thirty-two thousand health care providers. Only a fraction of these professionals ever come under the Board's scrutiny and contrary to conventional wisdom, only a few are disciplined for lack of medical knowledge. The vast majority of problems we see are related to poor documentation, poor communications or unethical behavior including narcotic abuse, alcohol or illegal substance abuse and boundary violations. Any adverse Board action, however benign, can trigger unwanted attention and sometimes sanctions from HMOs, malpractice insurance carriers and hospital authorities. I urge you to make time to learn the laws of the state regulating our profession and the rules of the Board. Conforming to these laws and rules will minimize the risk to your license, and indeed your livelihood, and will help you provide the best possible care to your patients.

NEW MEMBERS APPOINTED TO THE BOARD

Governor Sonny Perdue recently appointed Dr. Jean Sumner (Wrightsville), Dr. Ted Perry (White) and Dr. William Roundtree (Columbus) to the Medical Board. Kathy Kinlaw (Decatur) will serve as the Board's Consumer Member. The Board thanks Dr. Carl Bedingfield (Dublin), Dr. Linda Walden (Cairo) and Dr. Lynette Stewart (Decatur) for their faithful service during their tenure with the Board. We wish them success in all future endeavors.

KEEPING YOUR ADDRESS UP-TO-DATE

The recent renewal highlighted the need to remind physicians that they must keep their addresses up-to-date with the Board. Rule 360-2-.05 states that it is the **physician's responsibility** to notify the Board of an address change and to update the Physician Profile website. Please send changes of address to medbd@dch.ga.gov. As always, please keep a copy of your message for your records. You should also be aware that your address is public information and is displayed on the Board's website. It is a good idea to only display your practice address instead of your home address. You may wish to confirm that your practice location address shown on our website is correct.

BIRTH MONTH RENEWAL UPDATE

The Board has now converted all physicians in the state to birth month renewals. Please note that your license will expire at the end of your birth month between one and two years after the most recent renewal. The Board will mail your renewal notice approximately 45-days prior to the expiration of your license, however, it is **your** responsibility to be aware of your license expiration date and renew in a timely manner. Your license expiration date is shown on your wallet license card. Please use the Board's website to renew, or verify your expiration date..

2006 BOARD MEETINGS

May 4-5

June 8-9

July 13-14

August 3-4

September 14-15

October 5-6

November 2-3

December 7-8

ACTIVE LICENSEES

Physicians	25,922
Physician's Assistants	2,379
Respiratory Care Professionals	4,477
Acupuncturists	144
Perfusionists	108
Volunteers in Medicine	15
Institutional Physicians	3
Provisional Physicians	4
Physician Teachers	1
Resident Physicians	1,424

ORTHOTISTS AND PROSTHETISTS

Effective July 1, 2006, the Board will begin licensing these new health care professions. An advisory committee was appointed in August 2005 to start working on application materials and rules to license and regulate these professions.



Nurse Prescribing: SB 480 was a significant victory for Georgia physicians and patients. Current law allows nurses to call in all drugs and medical treatments. The protocols are ill defined and virtually unregulated. In exchange for allowing nurses to reduce what they can call in to a written prescription, SB 480 requires the protocol under which the physician grants this authority to nurses to specifically set forth the delegated medical tasks the nurse is authorized to perform. The protocol must be filed with and reviewed by the medical board to assure that the physician follow-up and oversight are consistent with accepted standards of medical practice. Nurses may not order Schedule I or II controlled substances. The bill limits the number of nurses a physician may supervise and requires the supervising physician to be licensed to practice medicine in Georgia and practicing in the state or within 50 miles of the nurse. - **PASSED**

Optometry Prescribing: HB 1390 by Rep Ehrhart would have granted optometrists the authority to prescribe all oral antibiotics and oral antivirals. Current law allows optometrists to prescribe topical antibiotics and analgesics (72 hours). Although the bill had passed the House and was available to call up for a vote in the Senate, the Senate never reached the bill and it died during the last hours of the session. MAG deferred to the Georgia Society of Ophthalmology on the negotiations and strategy on this bill. **Did Not Pass**

Physical Therapists: HB 801, sponsored by Speaker Richardson, grants physical therapists the authority to implement a program of physical therapy when the services are provided for fitness, wellness or prevention and are not related to treatment of an injury or ailment. It further grants physical therapists the authority to treat patients who have been previously diagnosed by a physician and who return for treatment within 60 days of discharge for problems or symptoms that are related to the initial referral. The physical therapist is required to notify the physician within 5 days of the patient's return for therapy. If after 90 days there is no substantial progress, the physical therapist is required to refer the patient back to the physician or to an appropriate practitioner of the healing arts. MAG deferred to the Georgia Society of Orthopedic Surgeons who negotiated major portions of this bill. **Passed**

Chiropractors: SB 184 would have allowed chiropractors to treat functional organ systems through chiropractic adjustments as well as order the referral for "diagnostic imaging, neurodiagnostic studies and laboratory tests." The bill passed the Senate and failed in the House. **Did Not Pass.**

Physicians' Assistants: HB 832 by Rep McCall (R-Elberton) authorizes physician's assistants to receive, sign for and distribute pharmaceuticals. MAG became neutral on the bill when amendments were adopted that require the drugs for which the PA may receive samples be set forth in the job description; and that the PA keep a log of which drugs (and vouchers) were received and which were distributed. **Passed.**

SB 173 by Sens. Unterman (R-Buford) and Thomas (R-Dalton) would permit PA's to enter into a temporary practice agreement with a physician participating in a tax-exempt facility for financially disadvantaged patients where services are donated. This allows greater flexibility to have PA's practice in volunteer clinics. MAG supported the revised bill. **Passed**

Psychologist Prescribing: HB 923 by Rep. Clay Cox (R-Lilburn) would authorize certified psychologists to prescribe "medications" and "order and review laboratory tests." **Did Not Pass**

Therapeutic Substitution by Pharmacists: HB 1357 by Rep Ron Stephens (R-Garden City) would allow pharmacists to substitute a therapeutically equivalent drug if the script that the physician ordered is not on the patient's formulary. **Did Not Pass.**

Thanks to the Medical Association of Georgia (MAG) for providing the Legislative Updates.

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Physician Information - Woman's Right to Know (DHR)

House Bill 197, also now known as the "Woman's Right to Know" (WRTK) Act, was passed by the General Assembly during the 2005 Georgia Legislative Session, and signed by Governor Perdue on May 10, 2005. This Act requires that women who seek abortions be fully informed by their medical provider about relevant issues such as abortion alternatives, gestational age of the fetus including anatomical and physiological characteristics at two-week increments, abortion methods and associated medical risks, the possible detrimental psychological effect of abortion, and the potential medical risks of carrying a child to term (Code Sections 31-9A-3, 31-9A-4). In addition to the informed consent requirements, the legislation also modifies requirements related to parental notification for unemancipated minors.

The law requires the Georgia Department of Human Resources (DHR) to develop and provide materials to all licensed Georgia physicians. During the first two weeks in January, DHR distributed the required information on CD. In addition, the CD links to a website that includes patient education materials, a patient resource directory, links to the law, and physician reporting requirements.

If you have not received a CD mailer and patient education materials from DHR, you may request yours by calling 404-657-2850, or via email at wrtkinfo@dhr.ga.gov. These materials as well as a Materials Order Form may also be downloaded from the website at www.health.state.ga.us/wrtk (Note: This information was prepared by the Department of Human Resources).

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PHARMACY BOARD UPDATE

The Pharmacy Board has asked that we notify physicians in the state of the illegality of using Use As Directed on prescriptions. In accordance with the Georgia Controlled Substance Law O.C.G.A. Sec. 16-13-74, these types of directions are not legal in Georgia. If you have further questions, please contact the **Pharmacy Board at (478) 207-2440.**

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MEDICAL BOARD RULE UPDATE

360-3-.02 Unprofessional Conduct Defined.

(20) Failing to report to the Board within 30 days of becoming unable to practice medicine with reasonable skill and safety by result of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material, or as a result of any mental or physical condition. Authority O.C.G.A. Sec. 16-13-41.

MESSAGE FROM WM. A. WOOLERY, D.O., Ph.D., CMD, FACOF, MBA(C)

Pursuant to provisions of O.C.G.A. §§43-1-19 & 43-34-37, as amended, authorization is given to the Composite State Board of Medical Examiners to take disciplinary action against licensees for unprofessional conduct.

The term "unprofessional conduct" is further defined in Board Rule 360-3-.02, as amended. Unprofessional conduct can take a number of forms, including the prescribing of controlled substances and non-controlled substances for personal or immediate family members' use. Board Rule 360-3-.02(2), that unprofessional conduct includes: "Writing prescriptions for controlled substances for personal use or, except for documented emergencies, for immediate family members. For purposes of this rule, 'immediate family members' include spouses, children, siblings, and parents."

The medical board is unlikely to take action against you if, on the rare occasion, you write a non-controlled substance prescription for your wife or children. Acute illnesses are generally not documented emergencies, but prescribing for an immediate family member under these circumstances would be unlikely to generate a board investigation.

If you routinely prescribe medication to manage your spouse's hypertension or diabetes, however, this could also be considered the unprofessional practice of medicine and you and your records may be subject to Board review. You cannot prescribe controlled substances for immediate family members or yourself unless it's a documented medical emergency. As we know, documented medical emergencies happen very infrequently. This means that you cannot provide controlled substances to manage your spouse's pain from a peripheral neuropathy or prescribe Ritalin or Adderall to your children to help control their ADHD behavior. You must document and maintain such records indicating each and every time you prescribe controlled substances for your immediate family members.

Being a licensed physician in the state of Georgia has many privileges. Writing controlled substances for yourself or your immediate family members is not one of them. Be safe. Read the rules, which are available on our website at www.medicalboard.georgia.gov.

Dr. Woolery has been a member and past president of the Board for seven years, and practices geriatric and family medicine in Warner Robins, Georgia.

MEDICAL BOARD COMPLAINT PROCEDURES

The Medical Board receives over 1,500 complaints a year from consumers, hospitals, malpractice carriers, and other sources. Once the complaint has been triaged by our medical director and/or medical consultants, the appropriate course of action is determined. If there is an alleged violation of the Medical Practice Act, the Board conducts an investigation to obtain evidence.

What now?

You have received a letter from the Board asking for patient records. In cases concerning *alleged* substandard medical care, the Board will obtain patient medical records and an explanation from the physician about the care delivered to the patient. This does not automatically mean that you have violated the Medical Practice Act. The Board must meet a burden of proof in order to proceed with disciplinary action against a licensee. Complaints, along with investigation results, are presented to the Board to determine the appropriate course of action.

Impairment Complaints

The Board investigates allegations that licensees are unable to practice with reasonable skill and safety due to impairment from mental or physical conditions, including substance abuse. The Board has legal authority to require a comprehensive mental and physical evaluation if it obtains evidence that a practitioner may be impaired. Impairment complaints along with investigative results are presented to the Board to determine the appropriate course of action.

PHYSICIAN BOARD ACTIONS – JUNE 1, 2005—DECEMBER 31, 2005

The following is a report of public disciplinary actions taken by the Board since the last newsletter. These cases have been investigated and are now part of the public record. Although every effort is made to ensure that the information is correct, you should check with the Board to assure accuracy. The Board may include several provisions in an order, which are not summarized in this report. You may obtain a copy of the public order from our website or by written request to the Board office.

<u>Discipline Taken</u>	<u>License #</u>	<u>Full Name</u>
CME	37326	PATEL, YASHVANT DAHYAB HAI
Practice Restrictions	19226	ALSTON, CHARLES C
Practice Restrictions	14161	BRANDAU, A GORDON JR
Practice Restrictions	29510	PATEL, SHASHANK C
Practice Restrictions	51736	SECURO, ANTHONY T
Probation	36915	ANFINSON, THEODORE JOSEPH
Probation	32502	FUGEDY, JAMES EMERY
Probation	36771	HAMVAS, RANIA KOUATLI
Probation	23759	LUIS, ANTONIO
Probation	37633	OBOT, ETIOWO ARCHIBONG
Probation	42440	SMITH, GREGORY SCOTT
Probation	31337	TAPLEY, BENSON WAYNE
Probation	39961	TEEL, GREGORY TYRONE
Public Fine	55545	ADESUNLOYE, BAMIDELE ANDREW
Public Fine	50702	AREHART, DAVID MICHAEL
Public Fine	16875	BOHANNON, DONALD S
Public Fine	36135	DIAMOND, STEVEN CHARLES
Public Fine	49512	DRAYTON, ANN SHERYL
Public Fine	36525	ELLIS, MARK A
Public Fine	24690	HENDRIX, RONNIE EUGENE
Public Fine	38829	KIMBROUGH, ROBERT L
Public Fine	12226	MAULSBY, GILBERT ORSON
Public Fine	39176	MCMICKLE, DONNIE LYNN
Public Fine	13513	ROLLINS, RALEIGH W
Public Fine	35763	SINGHAL, S UNIT K
Public Fine	53177	SMITH, WADE MICHAEL
Public Fine	21283	TAYLOR, THOMAS MARSHALL
Public Fine	14590	WRIGHT, GEORGE EDWARD
Public Reprimand	39995	AL-AMIN, JESSIE LOUISE MUSE
Public Reprimand	21137	ALEXANDER, SUSAN
Public Reprimand	34588	FLANDERS, WILLIAM DANA II
Public Reprimand	42860	JOHNSON, ALFRED BERNARD

PHYSICIAN BOARD ACTIONS (CON'T)

Cont.

<u>Discipline Taken</u>	<u>License #</u>	<u>Full Name</u>
Public Reprimand	42302	JUZANG, TRINA KAY
Public Reprimand	44518	LEE, MICHAEL HYUN-TAE
Public Reprimand	51259	NICHOLS, BILLY MICHAEL
Public Reprimand	33881	POSS, MICHAEL ANTHONY
Public Reprimand	34045	RAWLS, JOYCE ANN
Public Reprimand	21797	ROBERSON, CLIFFORD WILLIAM JR
Public Reprimand	15635	SHOJI, MAMORU
Revoked	27345	BIRDSONG, MICHAEL SIDNEY
Revoked	13268	EDELSON, STEPHEN BRUCE
Revoked	48511	ERVIN, CHRISTOPHER ERIC
Revoked	19354	VANCE, LUTHER JR
Indefinite Suspension	49215	TROTMAN, RONALD
Suspension	26444	BAILEY, DONALD HOSFORD
Suspension	49376	CABAGNOT, NELSON
Suspension	30283	CARSWELL, CHRISTOPHER DREW
Suspension	45752	CONNINE, TAD ROBERT
Suspension	12470	GOLIGHTLY, DANIEL PAUL JR
Suspension	11956	HILLIS, CHARLES LEWIS
Suspension	50023	HOFFSTETTER, MICHAEL DAVID
Suspension	20219	HUDSON, JAMES HURN JR
Suspension	37633	OBOT, ETIOWO ARCHIBONG
Suspension	37076	SCARBOROUGH, JOHN JOSEPH JR
Suspension	14721	SHANTHAVEERAPPA, TOTADA R
Suspension	46253	SMITH, CHRISTOPHER M
Suspension	33897	THOMPSON, EMMA HERRY
Suspension	17340	WHEATLEY, JOSEPH KEVIN
Voluntary Surrender	28251	BROWN, GREGORY LYNN
Voluntary Surrender	37582	KAO, SHIU-WEN
Voluntary Surrender	12401	LUCAS, WALLACE
Voluntary Surrender	46310	MARCH, LOIS RAE
Voluntary Surrender	06473	ROLLINS, LUTHER C JR
Voluntary Surrender	39515	WILLIAMS, MICHAEL DAVID

PHYSICIAN'S ASSISTANT BOARD ACTIONS – JUNE 1, 2005—DECEMBER 31, 2005

<u>Discipline Taken</u>	<u>License #</u>	<u>Full Name</u>
Probation	02457	EDGERTON, CHARLES BRIAN
Probation	04121	GRUBB, ALISA AMANDA
Probation	02403	MONTBELLIER, LISA CHRISTINE
Probation	03275	OEHLER, DANIEL A
Probation	04176	POLLITT, STEPHEN PAUL
Probation	00175	SAMS, DONALD D III
Public Fine	02336	BENSON, ALLISON T
Public Fine	04115	BROWN, CRAIG A
Public Fine	03487	JOHNSON, TROY LAMOTT
Public Fine	04248	PETTIS, SHALONDA

PHYSICIAN'S ASSISTANT BOARD ACTIONS (CON'T)

<u>DISCIPLINE TAKEN</u>	<u>LICENSE NUMBER</u>	<u>FULL NAME</u>
Public Fine	02034	CANIDA, CYNTHIA JAYNE
Public Fine	03415	SUBER, BRITTON CARTER
Public Fine	02790	MINCHEW, MARGARET STONE
Public Fine	03538	GROSSWALD, MARA P
Public Fine	04109	RAY, KARRI LYNN
Suspension	03463	NOBLES, JAMES STEPHEN
Voluntary Surrender	02876	FORREST, MICHAEL DAVID

PHYSICIAN'S ASSISTANT CORNER**ATTENTION: PHYSICIANS WHO UTILIZE PHYSICIAN'S ASSISTANTS**

Physician's Assistants (PA) cannot practice independently. Every PA must be supervised by a licensed physician who is always available to intervene if needed. Prior approval from the Board must be obtained for all physician/physician's assistant teams, including those physicians designated as alternate supervising physicians by the primary supervising physician. It is the responsibility of both the physician and the PA to notify the Board if either party resigns. Forms are available on our website at www.medicalboard.georgia.gov.

PA'S FREQUENTLY ASKED QUESTIONS

- **When can Physician's Assistants begin working?**
Upon notification by the Board that the application **has been approved**.
- **Who is responsible for the PA application?**
Both the PA and the Physician.
- **Can I pre-sign prescriptions for my PA's use when I am not in the office?**
It is illegal to pre-sign prescriptions. They must be signed and dated when issued to the patient.

Physicians, please be aware that if you utilize a PA, his/her license will expire December 31, 2006. **You** are responsible for making sure that your PA's license is current and you are subject to disciplinary measures if you work with a PA who does not have a current license. As with physicians, PA's are converting to birth month renewals. Once PA's renew this December, their licenses will expire at the end of their birth month between one and two years after renewal. Additional information regarding Physician's Assistant birth month renewals will be provided at a later date.

DID YOU KNOW?

Most of your questions can be answered at the Medical Board's website at www.medicalboard.georgia.gov.

You can do the following:

- Review the Board's Pain Management Guidelines
- Review the Board's Annual Report
- Look up Public Board Orders
- Review previous Board Minutes
- Renew your license online
- Download application forms
- Review the Laws and Rules
- Review Proposed Rules the Board is considering for adoption
- Look up licensed health care providers
- Review the Complaint Procedures
- Review and update your physician profile

BOARD CONTACT INFORMATION

General Information.....(404) 656-3913

Copies of Board Orders
/License Verification.....(404) 657-6494

Complaints.....(404) 463-8903

PA Licensing..... (404) 657-6495

Physician Licensure
A – H..... (404) 463-6162
I – P..... (404) 657-6491
Q – Z..... (404) 656-7067

CUSTOMER SERVICE CARD

**Composite State Board of
Medical Examiners**



Our focus is

You.

How did we do this time?

Please give us your feedback!

Phone: (404) 657-6492

E-mail: CSBMEcustsvc@ga.gov

Thank you for the privilege of serving you.



OUR MISSION:

To protect the health of Georgians through the proper licensing of physicians and certain members of the healing arts through the objective enforcement of the Medical Practice Act.

OUR GOAL:

To provide world-class customer service in every customer encounter.

Visit us on the web! www.medicalboard.georgia.gov

GEORGIA COMPOSITE STATE BOARD OF MEDICAL EXAMINERS

2 Peachtree Street NW, 36th Floor, Atlanta, GA 30303-3465 Telephone: (404) 656-3913 Fax: (404) 656-9723

E-mail: medbd@dch.ga.gov

web: www.medicalboard.georgia.gov

Purpose: The *Composite State Board of Medical Examiners* is the state agency that licenses physicians, physician's assistants, respiratory care professionals, perfusionists, acupuncturists, orthotists, prosthetists and auricular (ear) detoxification specialists. The Medical Board also investigates complaints and disciplines those who violate *The Medical Practice Act* or other laws governing the professional behavior of its licensees.

Mission Statement: The mission of the *Composite State Board of Medical Examiners* is to protect the health of Georgians through the proper licensing of physicians and certain members of the healing arts and through the objective enforcement of the *Medical Practice Act*.

Board Members

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T. Wayne Bloodworth, MD, Alpharetta
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Roger Hill, DO, *Past Pres.*, Marietta
Kathy Kinlaw, Consumer Member, Decatur
J. Grant Lewis, MD, Rome

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Jean Sumner, MD, Sandersville
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